

Off-Highway Vehicle Travel Management Project

Decision Notice and Finding of No Significant Impact

USDA Forest Service
Boise National Forest
Boise, Elmore, and Valley County, Idaho

1 Location

The approximately 523,900 acres of National Forest System land affected by this decision are composed of all the currently designated "E" Travel Management Areas as identified on the 2000 Boise National Forest Visitor/Travel Map. The Boise National Forest is located in southwest Idaho. The "E" Travel Management Areas occur on the Emmett (213,574 acres), Idaho City (159,039 acres), Mountain Home (145,799 acres) and Lowman (5,363 acres) Ranger Districts of the Boise National Forest.

2 Decision

It is my decision to implement Alternative 2, which is described in section 2.5 of the Environmental Assessment (EA). This decision prohibits indiscriminate cross-country travel and limits motorized wheeled travel in all the "E" Travel Management Areas to established roads and trails with limited exemptions.

Motorized wheeled vehicles will no longer be allowed to indiscriminately travel cross-country in the previously unrestricted "E" areas.

Specifically prohibited cross-country travel is when:

- The passage of motorized vehicles depresses undisturbed ground and crushes vegetation.
- The motorized vehicle maximum tire track width exceeds the road or trail profile.

Specifically allowed travel on established routes and trails is when:

- Travel takes place on designated roads and trails maintained by the Forest Service or other public agency currently open to motorized vehicle travel. These routes are generally constructed and characterized by a road or trail prism with cut and fill slopes and appropriately signed and numbered.
- Travel takes place on clearly evident two-track and single-track routes established with regular use and continuous passage of motorized vehicles over a period of years. Routes are considered clearly evident where perennial vegetation is devoid or scarce. Grassy, vegetated routes are considered clearly evident where wheeled tracks are continuous depressions in the ground evident to the casual observer.

Routes must meet the above specifications for their continuous length. Routes newly created under wet conditions or in wetlands and riparian areas should be easily identified as not meeting the specifications because many portions of the route from its beginning to end would not show signs of regular and continuous passage and many areas would still be fully vegetated with no wheel depressions.

This decision will provide the following exemptions. Motorized wheeled cross-country travel will be allowed when necessary for the following purposes:

- Emergencies, such as fire suppression and search and rescue.
- Official Forest Service administrative or authorized activities.

- Access to dispersed campsites and firewood gathering areas within 300 feet of a designated National Forest System road or 100 feet of a designated National Forest System trail if open to motorized use.

Designated National Forest System (signed and numbered) roads and trails will continue to have all currently permitted uses and restrictions.

3 Rationale for the Decision

Alternative 2 was chosen because it will slow and potentially reverse the increasing trend of natural resource impacts and conflicts resulting from indiscriminate cross country motorized travel while maintaining motorized recreation access in the "E" Travel Management Areas.

The specific decision criteria and the reasons for the decision follow:

- The degree to which the decision slows or reverses the trend of OHV-caused resource damage to soil, water, fisheries, visual quality, and risk of spreading noxious weeds in the "E" areas of the Boise National Forest.

Restricting motorized wheeled travel to established routes will prevent ground disturbance in new areas. This will effectively halt the current trend of increasing ground disturbance and associated effects and risks to soil, water, fisheries, visual quality, and noxious weed spread. The restriction will decrease the potential area disturbed by motorized recreation, thereby reducing the potential for increased erosion and sedimentation (EA 3.3.4.1). Stream crossings would be kept to ones that already exist (EA 3.3.4.2). Riparian vegetation and streambank stability will be protected in areas not currently utilized by OHVs or without user-created trails. Spawning fish and redds in areas not currently utilized by OHVs will be protected (EA 3.3.4.3). Existing site-specific soil, water, and fish habitat problems on user-created routes will be corrected with future site-specific travel management projects.

This decision will maintain the current scenic integrity associated with existing user-created routes (EA 3.5.4). The risk of noxious weed invasion will be reduced (EA 3.6.3).

- The degree to which the decision slows the expansion of motorized access in the "E" areas of the Boise National Forest in order to slow or reverse the trend of OHV enthusiasts, including big game hunters, encroaching further and further into historically non-motorized backcountry.

Restricting motorized wheeled travel to established routes should end user-created trail development in the vast majority of the "E" areas. Motorized access on existing routes will be maintained, which will provide the same network of motorized trail access currently available in the "E" areas. Hunters using areas away from existing routes should not be bothered by OHVs entering their hunting areas while they are hunting (EA 3.2.4.1). Big game security will be maintained and levels of disturbance will stay about the same (EA 3.4.2.3). This decision will provide a more consistent policy across the Forest in that cross-country travel will only be allowed for a limited number of exceptions (described above in section 2). This should enhance public understanding and compliance with travel restrictions. The decision should also make enforcement of travel regulations more effective all across the Forest by having a consistent "no off-route travel" policy.

People who use OHVs to access areas off roads and trails will have to change their activities with limited exceptions (EA 3.2.4.2). I recognize the inconvenience and loss of access for individuals who currently travel cross country, however I feel the benefits to resources and the greater consistency in travel policy outweigh the inconvenience. My decision still provides a great deal of motorized access and should meet the public needs for motorized recreation in the "E" areas until future site-specific travel management planning takes place.

This decision will not prevent or hinder future implementation of the Forest Service proposed rule on travel management, designated routes, and areas for motor vehicle use (36 CFR Parts 212, 251, 261, and 295), which was announced July 7, 2004.

4 Other Alternatives Considered

Two other alternatives were considered in detail (EA 2.4, 2.6). Alternative 1 (No Action) was not selected because it failed to achieve any of the project objectives. Selecting Alternative 1 would endorse the past practice of motorized indiscriminate cross country travel and the continued proliferation of user created routes in these areas resulting from the rapidly increasing numbers of OHVs, specifically ATVs. Public response indicated widespread recognition of the impacts and conflicts resulting from past indiscriminate cross-country travel and general support for limiting motorized travel to established travelways.

Alternative 3 would have restricted motorized wheeled vehicle travel in the "E" Travel Management areas to Forest Service designated roads and trails only. I believe that more site specific information than is currently available is needed to assess the resource impacts and provide adequate opportunity for public comment prior to making a decision to implement Alternative 3. Conversely, I believe the the benefits of implementing Alternative 2 at this time, outweighs the benefits of delaying a decision restricting continued motorized cross country wheeled access while additional information is gathered on all currently established routes withing Travel Management "E" areas. After a more complete assessment of established routes has been completed, proposed National Policy will be directing us towards a system of designated routes. I don't believe that allowing continued use of the existing routes over the short term poses a great threat to resources. We will continue to assess specific problem areas in our normal course of work.

The Forest has made good progress in the creation of designated motorized recreation opportunities and protection of natural resources in areas such as the Danskin Mountains, Sagehen, and Wilson Flat areas. I am confident in our continued ability to identify and correct site specific problems in the future, allow motorized recreation use where it is appropriate, and develop networks of designated motorized trails where appropriate. I believe that an incremental approach to travel management planning can help us protect resources and adapt to the changing needs and desires of the public. I consider my choice of Alternative 2 to be an important step in this incremental approach.

5 Public Involvement

Public involvement and contacts with local government were initiated during the development of the proposed action. Forest personnel presented information about the proposal at group meetings of the Blue Ribbon Coalition, Magic Valley Trail Machine Association, Treasure Valley Trail Machine Association, and Backcountry Horsemen. Forest personnel discussed the proposal with representatives from Idaho Department of Fish and Game, Idaho Department of Lands, and Idaho Department of Parks and Recreation.

The proposed action was released to the public in January 2004. A scoping letter was sent out to over 130 individuals, organizations, and agencies. A news article discussing the proposal appeared in the Idaho Statesman on January 28, 2004. Over 70 responses to the proposal were received. Many of the responses were emails in response to the news article (EA 1.6).

No major issues (unresolved conflicts with the proposed action) were identified by the interdisciplinary team (EA 1.8.1). The team identified two minor issues (EA 1.8.3). The team eliminated several issues from detailed study (EA 1.8.4).

Under the new appeal regulations at 36 CFR 215, a 30-day comment period on the proposed action was conducted in June 2004 following the completion of the environmental assessment. During the comment period, over 20 comment letters and emails were received from individuals, organizations, and government agencies. I have reviewed the comments. Most of the comments indicated support for Alternative 2. An evaluation of the comments relative to the appeal regulations is in the project file.

6 Finding of No Significant Impact

I have evaluated the effects of the project relative to the definition of significance established by the CEQ Regulations in 40 CFR 1508.27. I have determined that Alternative 2, which I have selected, will not have a significant effect on the human environment. For this reason, no environmental impact statement needs to be prepared. The factors considered are discussed below.

- 1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial (40 CFR 1508.27(b)1).

Motorized access on existing routes will be maintained, but people who use OHVs to access areas off roads and trails will have to change their activities with limited exceptions (EA 3.2.4). Most motorized travel occurs on existing routes, and the network of existing routes is fairly extensive. I don't find the decision to restrict cross-country motorized travel to have a significant effect since cross-country motorized travel in the "E" areas has been discouraged for several years.

Restricting motorized wheeled travel to established routes will prevent ground disturbance in new areas. This will effectively halt the current trend of increasing ground disturbance and associated effects and risks to soil, water, fisheries, visual quality, and noxious weed spread (EA 3.3.4.1, 3.3.4.2, 3.3.4.3, 3.5.4, 3.6.3). The decision will not initiate new actions with adverse effects.

- 2) The degree to which the proposed action affects public health or safety (40 CFR 1508.27(b)2).

This decision will have a minor benefit to public health and safety. Restricting motorized travel to existing routes will reduce the likelihood that individual will travel on risky terrain. The decision includes an exemption allowing cross-country travel for emergency purposes so there will be no change to search and rescue activities.

- 3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR 1508.27(b)3).

The decision will not affect these features. Restricting motorized wheeled travel to existing routes will lessen the risk of future damage.

- 4) The degree to which the effects on the quality of the human environment are likely to be controversial (40 CFR 1508.27(b)4).

I do not consider the effects of the project to be controversial because the effects are minor. The project is a relatively small change from current management and still allows most current motorized access (EA 3.2.4). Resources are maintained with less risk of future problems (EA 3.3, 3.4, 3.5, 3.6). Most public comments indicated some level of support with only a few being totally opposed (OHV Scoping Comments and OHV 30-Day Comment Period Comments in the project file).

- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)5).

This decision will not have effects that are highly uncertain or involve unknown risks. Implementing travel management restrictions is a straightforward process involving changing maps, signing, informing the public of the access change, and law enforcement. The Forest implements these kinds of changes on a routine basis. The project includes exemptions for emergency and Forest Service administrative and authorized cross-country motorized travel. This will provide for the flexibility to allow cross-country travel when urgent situations occur.

- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration (40 CFR 1508.27(b)6).

While the project is an incremental step in Forest travel management, it maintains flexibility for future site specific travel management planning. Most existing routes will still be in place for future

consideration. Allowing continued use of the routes will not make them more likely to get designated in the future. If they are poorly located and causing resource damage, they will be considered for closure or relocation. Evaluations of various user-created routes will occur in the future with or without this decision (EA 1.8.4 #2, #3, #5).

- 7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts (40 CFR 1508.27(b)7).

There will be no substantive cumulative effects (EA Ch.3). None of the project objectives or minor effects involved additive or interactive effects close to an established threshold.

- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources (40 CFR 1508.27(b)8).

The project was reviewed and determined to have no effect on any historic properties (EA 1.9.3).

- 9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)9).

A biological assessment was completed and it contains determinations that the project will have "no effect" on Chinook salmon, steelhead trout, and the yellow-billed cuckoo. The project "may affect, but is not likely to adversely affect bull trout, bald eagle, Canada lynx, gray wolf, and Northern Idaho ground squirrel (EA 1.9.2). The USDI Fish and Wildlife Service concurred with the determinations (letter dated 6/3/04 in the project file).

- 10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)10).

The project is designed to meet all applicable Federal, State, and local laws (EA 1.9).

7 Findings Required by Other Laws and Regulations

This decision is consistent with all applicable laws, regulations, and policies including the Endangered Species Act, National Historic Preservation Act, Executive Order 13175 on Consultation and Coordination with Indian Tribal Governments, Migratory Bird Treaty Act, Clean Air Act, Nonpoint Source Water Quality Program for the State of Idaho, and Executive Orders 11644 and 11989 on Off-Road Vehicles on Public Lands (EA 1.9). This decision is consistent with the Forest Plan (EA 1.5.1).

8 Administrative Appeal and Implementation

This decision is subject to administrative appeal pursuant to 36 CFR Part 215, only by those individuals and organizations who provided substantive comments during the previous 30-day comment period. The appeal must meet the requirements at 36 CFR 215.14.

Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Documents submitted by email must be compatible with Microsoft Word (for example rich text format or plain text). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday excluding holidays.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Idaho Statesman, the newspaper of record, Boise, Idaho. Attachments received after the 45-day appeal period will not be considered. The publication date in the Idaho Statesman, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

For further information, contact Jane Beaulieu, Project Leader, at 2180 American Legion Boulevard, Mountain Home, Idaho, 83647 or phone 208-587-7961.

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Date: _____

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